

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of APRIL LYNN BALDWIN and
RANDALL LEE BALDWIN, a/k/a RANDY
EDWARDS, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

RANDALL L. BALDWIN,

Respondent-Appellant,

and

DEBRA EDWARDS,

Respondent.

In the Matter of APRIL LYNN BALDWIN and
RANDALL LEE BALDWIN, a/k/a RANDY
EDWARDS, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DEBRA LYNN EDWARDS,

Respondent-Appellant,

and

RANDALL BALDWIN,

UNPUBLISHED

June 12, 2007

No. 273841

Genesee Circuit Court

Family Division

LC No. 05-119975-NA

No. 273842

Genesee Circuit Court

Family Division

LC No. 05-119975-NA

Respondent.

Before: Fitzgerald, P.J., and Sawyer and O'Connell, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right from the trial court order terminating their parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i) (g), and (j). We affirm.

Relying on *In re AMC*, 269 Mich App 533, 711 NW2d 426 (2006), both respondents argue that they were entitled to a separate best interests hearing. In *AMC*, this Court addressed the issue of the need to hold a dispositional hearing to focus on the best interests of the child when that was the only disputed dispositive issue and held that the respondent was entitled to a separate dispositional hearing, which would afford her the opportunity to present evidence regarding the child's best interests. *Id.* at 539-540. In the case at hand, the adjudicative phase of the proceedings occurred on September 20, 2005, when respondent-father pleaded to the allegations in the petition and the court accepted the plea and took jurisdiction over the minor children. Respondents were provided with the opportunity to present evidence at the dispositive phase of the proceeding, which occurred over a year later in October 2006. Petitioner presented evidence at the termination hearing with regard to whether it was in the best interests of the minor children to terminate respondents' parental rights, and respondents had the opportunity to do the same. The court is not required to hold a best interests hearing separate from the dispositive hearing under these circumstances. MCL 712A.19b(5).

Respondent-mother also challenges the finding of statutory grounds to terminate her parental rights. To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been established by clear and convincing evidence. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991). The trial court's decision is reviewed for clear error. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). In applying the clearly erroneous standard, the Court should recognize the special opportunity the trial court has to assess the credibility of the witnesses. MCR 2.613(C); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

The condition that led to adjudication was the physical abuse of April by both respondents, but particularly by respondent-father. Respondent-mother contends that the trial court did not take into account the fact that she substantially complied with the terms of her treatment plan and that petitioner did not discuss with her that there was a concern that she did not benefit from the services before the filing of the amended petition, did not re-refer her for additional services, and did not give her the opportunity to show that she did in fact benefit from services. The trial court, which had the opportunity to hear the witnesses and determine their credibility, specifically stated that it found the testimony of Dr. Dwal, the psychologist who performed the psychological testing on respondent-mother, to be credible and compelling with respect to the fact that he did not feel that respondent-mother would protect the minor children from respondent-father. In addition, the trial court pointed to the "resounding theme" of lack of insight on behalf of respondents presented by a number of the witnesses. The trial court stated

that respondents' continuing denial of a problem was critical to the court's decision. The trial court did not clearly err in finding that petitioner established the statutory grounds for termination by clear and convincing evidence.

Affirmed.

/s/ E. Thomas Fitzgerald

/s/ David H. Sawyer

/s/ Peter D. O'Connell